

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION

VICTOR CHARLES FOURSTAR,  
JR.,

Plaintiff,

vs.

WOLF POINT CITY POLICE  
DEPARTMENT, et al.,

Defendants.

Cause No. CV 20-01-GF-SPW-TJC

ORDER

On January 5, 2020, Plaintiff Victor Fourstar and three other plaintiffs filed this action alleging violations of civil rights. Claims involving the other plaintiffs were severed. Fourstar alone is proceeding in this case.

On July 6, 2020, Fourstar submitted to the clerk a document titled “Motion for Injunctive and Declaratory Relief.” He did not provide a cause number, but he used the caption of this case.

In the motion, Fourstar complained of his detention on a then-pending petition to revoke his federal supervised release. He requested immediate release

on the grounds that revocation proceedings “targeted” him “as a race and class of offender,” imperiled his health in view of the global pandemic, violated his right to dignity under the Montana Constitution; and violated his right to adequate medical care. *See* Mot. for Relief (Doc. 9) at 1–5.

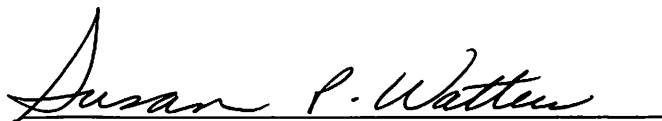
For three reasons, the motion is denied. First, this Court had no authority to interfere in ongoing proceedings before another judge in this or any other District.

Second, Fourstar raises many allegations in this case. But none of them—not even his October 2020 response to an order (Doc. 14)—concern events occurring in 2020. *See* Order (Doc. 7); Compl. (Doc. 2) at 6–16; Resp. to Order (Doc. 14) at 1–5. The facts asserted in the motion are not properly at issue in this case.

Finally, a motion seeking release from custody or a reduced term of custody lies at the core of habeas corpus. This action is a civil action. Fourstar cannot use it as a vehicle for obtaining release or a reduced custodial term. *See Edwards v. Balisok*, 520 U.S. 641, 648–49 (1997) (equitable relief); *Heck v. Humphrey*, 512 U.S. 477, 486–87 (1994) (damages); *see also* Notice of Appeal (Doc. 359 (9th Cir. No. 20-30157)), *United States v. Fourstar*, No. CR 02-52-GF-DLC (D. Mont. filed July 23, 2020); Notice of Appeal (Doc. 398 (9th Cir. No. 20-30267)), *Fourstar*, No. CR 02-52-GF-DLC (D. Mont. filed Dec. 18, 2020).

Accordingly, IT IS ORDERED that the motion for injunctive relief (Doc. 9) is DENIED.

DATED this 5<sup>th</sup> day of February, 2021.

A handwritten signature in black ink, reading "Susan P. Watters", written over a horizontal line.

Susan P. Watters  
United States District Court